

EXHIBIT B

1 providing that based on the discovery that we have
2 had to date. We would like to see --

3 THE COURT: You ought to provide that in the
4 complaint. You ought to provide it in the claim
5 chart.

6 MR. ROBERTSON: As I said --

7 THE COURT: What you are doing, you are
8 putting -- you are putting the discovery as the
9 vehicle to do what actually is contemplated to be
10 done by the complaint and the disclosures. And
11 you have gotten the cart before the horse in many
12 respects.

13 Now, you have got, each of you producing two
14 million documents and you don't know what you are
15 producing about. Or, I guess you do. I mean, you
16 are competent lawyers, so you do have some idea of
17 what you are doing, but you are generating a lot
18 of waste, I think. I don't want it to happen in
19 the litigation.

20 When are you going to be prepared to fish or
21 cut bait about -- you have done all this stuff for
22 the patent re-exam, why can't you do it?

23 MR. McDONALD: We can.

24 THE COURT: Well, do it.

25 MR. McDONALD: I thought we had already

1 done -- what we have done is 78 specific, we have
2 have filed re-exams. There are some other prior
3 art. We chose another 32 pieces of prior art.
4 They said you haven't charged those out yet. I
5 don't think if the patent office, the judge and
6 jury don't buy prior art one through eight, I'm
7 pretty sure they won't buy number nine. I mean by
8 Monday I will figure out, whether I have a number
9 nine or ten. You know, number eleven there is no
10 point to it.

11 THE COURT: All right. This is Friday. I
12 don't know it can be done by Monday.

13 MR. McDONALD: I got excited.

14 THE COURT: To do it right, I don't want to
15 say you forgot it.

16 MR. McDONALD: Next week is reasonable. I
17 think we basically will say we will stick with
18 what we have got.

19 THE COURT: All right. Then you will provide
20 all of your prior art invalidity positions by next
21 week.

22 MR. McDONALD: Yes. You know, we have
23 already done that. We will keep it, say we won't
24 do any more. It kind of confuses me. We did do
25 it for all 79 claims, you know. We had to keep it